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NOMINATION OF ANTHONY HOPE

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

OVERSIGHT HEARING ON THE NOMINATION OF ANTHONY HOPE FOR THE POSITION OF CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

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NOMINATION OF ANTHONY HOPE

THURSDAY, MAY 10, 1990

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2:03 p.m., in room 485, Russell Senate Office Building, the Honorable Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye, Reid, and McCain.

Also present: Senator Simpson.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The Select Committee on Indian Affairs is meeting this afternoon to consider the nomination of Mr. Anthony Hope to be the Chairman of the National Indian Gaming Commission.

Mr. Hope is a graduate of Georgetown University and Harvard Law School. He has spent the last 25 years involved in managing departments and organizations dealing with national control and regulation. He has served many years in the Government of the United States. For example, he has managed the finance division of the Overseas Private Investment Corporation [OPIC] to which position he was appointed by President Ford. He has also served on the board of directors of AMTRAK, to which position he was appointed by the Secretary of Transportation. He has also served as a managing partner to the President's Management Improvement Council. He wrote an important part of the Grace Commission report dealing with the privatization of Dulles and National Airports.

He is a public man. He has served his State, his nation, and he serves his community very well. In the early 1960's he served under Governor Reagan in the California State Motion Picture Council. He is, at this moment, the Chairman of the Board of Mount Vernon College in Washington, DC. He is also a member of the Board of the National USO, the National Council on Families and Television, and the National Theater.

Although he says that he is not an Indian, I think in many ways he is an Indian at heart. Like all Indians, he likes the outdoors.

When I first met Mr. Hope I said, "I thank you as a citizen of the United States for taking this nomination."

I am constantly amazed by the high caliber of people who accept nominations to serve in the Government of the United States. Mr. Hope is no exception to this. I wish him well because the job he will soon undertake will be a very sensitive one concerning not

only our national interest, but that of the first citizens of the United States, the native American Indians.

Mr. Hope was nominated by the President on April 19. We are pleased, although it took a little while for the selection; I was told that the White House wanted to be very careful in the selection of the chairman. Now that he has been named, I can assure you that we will do our best to expedite the confirmation.

As most of you are aware, the National Indian Gaming Regulatory Act was enacted by the Congress in response to the many concerns raised by our native Americans in Indian country, some of the concerns raised by the States, by members of Congress, and the gaming industry, regarding the unregulated conduct of gaming in Indian country. Tribes have consistently asserted that the games were in fact being regulated by tribal governments. In most ways they still are.

The purpose of establishing a Federal agency to establish regulations and to monitor games was primarily to allay concerns that Indian country might become islands of crime attractive to organized crime and other criminal elements.

I am happy to report that these dire predictions have simply not come true. In all of Indian country, there is only one situation at present that involves illegal gaming and that is the unfortunate violent situation on the St. Regis Mohawk Reservation. But I must stress that the St. Regis Mohawk situation is unique. Over 100 other tribal governments have been conducting gaming with little or no incident at all. St. Regis is also unique that, it is not tribal government gaming, but gaming operated by individuals.

This kind of gaming is prohibited by the Indian Gaming Regulatory Act and it is because of the Act that the Federal Government has been able to prosecute and convict 12 persons in connection with illegal gaming on the St. Regis Mohawk Reservation. In my view, the situation at St. Regis can be resolved when the tribe itself exercises its authority to determine whether there should be any gaming on the reservation.

As most of us are aware, this act provides for three classes of gaming: Classes I, II, and III. Class I is ceremonial gaming and is regulated solely by the tribes; class II covers bingo and certain card games that are to be regulated by the tribes in concert with the new Gaming Commission; class III includes all other games such as casinos, horse and dog racing, and other gaming activities that are to be regulated by the provisions of a tribal/State compact.

Under the act, the Commission is directed to monitor class II gaming and to approve tribal ordinances for class III gaming. So the Commission has a lot of work ahead of it. It must monitor virtually all aspects of tribal bingo operations. Its duties will include the inspection of all gaming premises, the conduct of background investigations of contractors and employees; the auditing of accounts; the levying of fines and the enforcing of tribal gaming ordinances. It will also have to review all ordinances and contracts between tribes and managers to assure compliance with the law. But before that, the Commission will have to develop regulations.

So these activities will require much time, adequate staff, sufficient funding, and a great deal of commitment.

Mr. Hope, do you still want to get on this Commission? [Laughter.]

The witnesses this afternoon will address Mr. Hope's qualifications and commitments to carry out the important duties that the head of the Indian Gaming Commission is required to perform.

It is my pleasure to call upon Mr. Anthony Hope.

Mr. Hope, I congratulate you on your nomination, I wish you the best, and you may proceed as you wish, sir.

Do you want to say something?

The vice chairman of this committee wishes to welcome you also. Senator McCain.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, VICE CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

Senator MCCAIN. Thank you, Mr. Chairman.

I am pleased to be here with you today for this hearing on the President's nominee, Anthony J. Hope, who will be the first chairman of the National Indian Gaming Commission.

He brings to this position a diverse background which I am sure will serve him well in this difficult position. He's trained and experienced in the law; he has substantial public and private sector management experience; he's well versed in the legislative process; and he's also acquired a valuable experience in the area of finance, budgeting, and accounting. In all of his endeavors he has demonstrated a capacity to enter new arenas and perform credibly. This attribute will clearly be necessary for the successful leadership of the National Indian Gaming Commission.

As you know, Mr. Chairman, over 100 tribes have come to rely heavily on some form of gaming activity as a principle source of non-Federal revenues. Most of these tribes are successfully operating high stakes bingo games which require little Federal regulation. On the other hand, recent events in Mohawk country serve to illustrate just how volatile and dangerous unregulated gaming can become.

Fashioning an appropriate regulatory program in careful consultation with the tribes will be a difficult task. I want to urge Mr. Hope to keep us fully apprised of both his successes and his failures so that we may provide the appropriate assistance.

And, Mr. Hope, I am sure you'll go right from here up to New York, is that right? [Laughter.]

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Hope, it's all yours, sir.

STATEMENT OF ANTHONY J. HOPE, CHAIRMAN DESIGNATE, NATIONAL INDIAN GAMING COMMISSION, WASHINGTON, DC

Mr. HOPE. Thank you, Mr. Chairman, Mr. Vice Chairman, and committee members.

I want to thank Senator Wilson from my home State of California for filing, on my behalf, a statement introducing me, although he was unable to be here today. We all know how busy he is back in his home State right now.

I also want to thank Senator Alan Simpson for offering to appear on my behalf. Senator Simpson may be interrupting these proceedings as we go for 1 or 2 minutes to say something while he is in the middle of an important Energy Committee hearing—important to Wyoming and all of the West.

Mr. Chairman, I have filed a statement for the record and would at this time like to read portions of that for the committee.

The CHAIRMAN. Mr. Hope, your full statement will be made a part of the record, sir.

Mr. HOPE. Thank you, Mr. Chairman.

I am honored to appear before you today as President Bush's nominee to be the first chairman of the National Indian Gaming Commission. I consider it a privilege and a challenge to have the opportunity to return to full time Government service. President Bush, in his Inaugural Address, said that we must impart to future generations a sense of what it means to be a citizen who leaves his home, his neighborhood, and his town better than he found it. One of the best ways to teach this is by example. Government service affords the opportunity to set a good example, to deal with challenging questions, and—with a little luck—to leave the community a little better than you found it.

Although I am not an Indian, my personal and professional background make me empathetic to the condition of the Indians and capable of managing a small regulatory agency.

My personal background—I am a Westerner. I grew up in Southern California, riding on horseback in mountains and valleys many of which have long since been paved over with homesites. When I was a youth, I regularly packed food and supplies to 10,000 foot high lakes in the High Sierras for 1 week of fishing. We would drive all night from Los Angeles to Bishop, then up a one lane road to Parcher's Camp, and then on foot to the higher lakes where we could find patches of snow on the ground as late as the middle of June.

I have fished the Gunnison River in Colorado, ventured on horseback into the wilds of Wyoming and Canada, rafted with my family down the Middle Fork of the Salmon River in Idaho, and even visited at the casinos owned by the Cabazon and Maronga Tribes. I have explored the waterways of Florida, sailed the coast of Maine, fished in Massachusetts, hunted with Indians in Texas and can count Cherokee among my friends. The geography and the space of our great country are deeply imbedded in my soul.

By professional background, I am a lawyer, a graduate of Georgetown University, and Harvard Law School. I have spent, as the Chairman said, the last 25 years managing organizations or departments of organizations dealing with financial control and regulations. My government experience in these areas include 2 years of full time service managing the finance division of the OPIC, a position to which I was appointed by President Ford. I also served as a member of the board of directors of AMTRAK Commuter Services Corporation, appointed by then Transportation Secretary Drew Lewis.

As a partner of Touche Ross & Co., I served as the representative of our managing partner to the President's Management Improvement Council, and wrote that portion of the Grace Commission

Report dealing with the privatization of National and Dulles Airports. This became one of the few recommendations of the Grace Commission to have been carried out when Transportation Secretary Dole supervised their transfer to a regional operating authority.

My entire family has always had a heavy agenda in public and civic service. My first official position dates back to the 1960's when I was appointed by the then Governor Reagan to the California State Motion Picture Council. I am currently Chairman of the Board of Mount Vernon College here in Washington, DC, and I serve on the boards of the National Theater, the National USO and the National Council on Families and Television.

My private sector experience, especially my 7 years as a partner at Touche Ross & Co. and my 3 years with Mutual of Omaha, has always been closely linked to regulatory agencies, the statutes and regulations, their conflicting jurisdictions, their scope, their breadth, and their sweep. Many years ago, I began to understand that the success of any regulatory activity requires that the regulators elicit cooperation and trust among competing regulators, those regulated, and those in whose favor the regulations are being promulgated.

This will certainly be true in the context of the National Indian Gaming Commission. There are and will be many participants in any discussion of Indian gaming, and few overriding principles. It is the stated agenda of President Bush and Secretary Lujan to increase native American's self- government and self-determination, and I wholeheartedly support this. I have read the report of your Special Committee on Investigations of the Select Committee on Indian Affairs and I recognize the congressional concerns about the inefficiency and inefficacy of paternalistic Federal control.

From the Indian Gaming Regulatory Act itself and the report thereon, I have observed the careful efforts of Congress to protect the sovereignty of the tribes, while at the same time recognizing the need to balance competing policy interests and to adjust, where appropriate, the jurisdictional framework for regulations of gaming on Indian lands.

The Indian gaming arena is much broader than just regulators and tribes. A preliminary list of interested participants includes the Commission, the tribes, individual Indian game owners, the State governments, the municipalities, suppliers and contractors, competing private sector games, church-run games, State-run games, gaming associations and their members, other regulatory agencies and enforcement officials at all levels, the Department of the Interior, the Department of Justice, and even the gamblers themselves.

Each of these is waiting to tell the Commission, as soon as it is up and running, their concerns, their suggestions, and their needs. Everyone in Government with whom I have met seems to be eager to have the Commission begin to address the issues presented by Indian gaming in the United States—and as quickly as possible, please. One needs only to read the headlines in recent weeks to know that Indian gaming has many problems and many needs. Everyone knows that these are not issues which can be solved by ignoring them or sweeping them away.

The Commission will provide a forum for the competing interests to air their views and seek redress for their grievances. It will be the rare case, indeed, when the Commission, by its actions, eliminates competition.

I do not have a magic wand to make the conflicts disappear. I do have a course of action. If I am confirmed, I expect to have Commissioners appointed to serve with me, a general counsel, a chief of staff hired, and tasks assigned and prioritized in a matter of months. I will meet with the tribal chiefs and chairmen. I will tell them that it is the job of the Commission to foster self-determination where games are found to be well run, and it is the job of the Commission to bring into line or close those games which are being illegally run.

The three central guides that I will have are clarity, efficiency, and fairness. We must be clear in our statements if we are to gain the cooperation of our constituents. We must be efficient if we are to carry out our responsibility to the games from which we will assess fees. We must be fair because essential fairness is the cornerstone of the Bush administration, the cornerstone of effective regulation, and the cornerstone of any enterprise whose success is dependent on cooperative effort.

Thank you very much.

[Prepared statement of Mr. Hope appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Hope. The Gaming Act requires that the Commission be located within the Department of the Interior but it has no provision as to where it should be located. Where do you plan to locate your Commission, physically, in the District of Columbia, or in Indian country?

Mr. HOPE. Initially, Mr. Chairman, I propose to locate the Commission in the District of Columbia or in the immediate surrounding area. It is my view that the expertise on this subject is all centered here. The tribes have representatives in Washington, DC, they come to Washington, DC fairly regularly, the other regulatory agencies—the FBI and others with which we'll be dealing and trying to coordinate as we set up our activities in order to make sure that everything can mesh in a coordinated fashion—are all located here. I think we'll need our presence close to their presence, at least for the first few years.

The CHAIRMAN. I was pleased to learn from your statement that you will spend much time consulting with tribal leaders. Are you also planning to go out into Indian country for such consultations?

Mr. HOPE. Yes, Mr. Chairman. In fact, yesterday morning I met with tribal leaders and tried to give them a sense of my own time priorities in this regard. I guess that in the first few months, between now and the end of the fiscal year, the end of September, I should be able to get to somewhere between 10 to 20 of the games. I expect, within the first 2 years, to visit all of them. But I am afraid that my time will be taken up, initially, in organization matters, setting up office space and electronic data processing, and the hiring of staff.

The CHAIRMAN. The law requires you to set up regulations. I suppose the publications of these regulations will be a matter of high priority. How long do you estimate that it will take you to complete the publication of these regulations?

Mr. HOPE. Senator, I really don't have any idea how long it will take us to complete it. I think that by the end of our first year of operation we will have some of them in place, others in the pipeline, and others being considered. The difficulty of creating a regulation is almost equal to the difficulty of being made chairman of this organization which has, so far, taken 8 months. It has a long gestation period.

The CHAIRMAN. Is there any special staffing required for this aspect of your responsibility?

Mr. HOPE. Yes; I expect very heavy startup costs in this area with extra staff in the first year on drafting regulations which will probably not be needed for the life of the Commission. I have a number of positions and a number of budget items on my own tentative budget that are one time startup costs. Included in that are a lot of contracted services for people who I have worked with over the last 15 years in Washington, DC in drafting regulations.

The CHAIRMAN. Would you share with us a memo on the staffing needs of your Commission?

Mr. HOPE. I will share with you my preliminary draft. I have not worked on it yet with the Department of the Interior so there is no official proposal on this.

The CHAIRMAN. When you clear it with the Department, will you share it with us?

Mr. HOPE. Certainly, sir.

The CHAIRMAN. The Act calls for two other commissioners.

Mr. HOPE. Yes.

The CHAIRMAN. Can you tell us when these two will be appointed?

Mr. HOPE. The two commissioners, Mr. Chairman, as you know, are appointed by the Secretary of the Interior and the Secretary has assured me that once my nomination is completed that he will process the others as quickly as possible. I think that takes a minimum of 30 days and I don't know whether or not—I do know that their names are in the process at this very minute.

The CHAIRMAN. There is a question of whether these commissioners should be full time or part time. When will you file that report with us? Do you have any idea?

Mr. HOPE. That statute says to file the report by the end of 1991, but I expect to meet with you and your staff before then with my own recommendations.

The CHAIRMAN. If I may interrupt at this juncture here—we are pleased to have with us a most distinguished member of the U.S. Senate.

Senator SIMPSON. Excuse me. [Laughter.]

The CHAIRMAN. I am speaking of you. [Laughter.]

Senator SIMPSON. I have nothing—

Senator REID. Mr. Chairman, we might add that he got here just in the nick of time because this nomination looked like it was in real trouble until you showed up.

Senator SIMPSON. Well, Mr. Chairman, I have been over doing—

The CHAIRMAN. I am pleased to present to the assembly here, the Honorable Alan Simpson, Senior Senator from the State of Wyoming, the State that just observed its centennial. Happy birthday, sir.

STATEMENT OF HON. ALAN K. SIMPSON, U.S. SENATOR FROM WYOMING

Senator SIMPSON. Mr. Chairman, I have never ever corrected you in public or private, but I am the Junior Senator from Wyoming. We must keep that in mind. And then I want to thank you for all—

The CHAIRMAN. Well, your father was here, so that makes you senior. [Laughter.]

Senator SIMPSON [continuing]. That's true. I believe your colleague, Senator Hiram Fong, and my father were very close. I believe you were not here when my father served, but you've been very kind and gracious to me in my time here. I mean that very sincerely. Thank you for coming by last night to wish us happy birthday on our 100th year.

Senator Reid, it's good to be here. I'll just take a few moments.

I have known Tony Hope for perhaps 10 years. I have no formal statement and won't even take over 2 minutes of your time. We're over doing brucellosis and wild and scenic rivers with our Governor over in the Energy Committee before Senator Bumpers.

He is a very extraordinary man. You've seen all the formal parts of his resume. He has a very sharp and inquisitive mind. He enjoys working with others. He loves to be engaged. He's ready to do this. He has a curious bent and loves to be involved in things and issues. I would call him an involved citizen with incredible energy and enthusiasm. That will become apparent to you. He also has some great management and organizational skills.

I have known him and his wife, Judy, and I just think he's an outstanding gentleman, beyond any kind of reproach, and will handle this job with dedication, diligence, and integrity. I trust him. I think he—and as I say, his wife — are great additions to this Federal city. He has much more to give. I think he'll relish this opportunity of service. It comes at a very interesting time when there are new problems with regard to that issue, as we all read of. I just think he's the type of person that, with good humor and patience, can handle those things.

I thank the Chairman.

The CHAIRMAN. Thank you, sir.

I had the privilege of introducing him and I hope I did you justice, sir.

Senator SIMPSON. Well, I thank you very much indeed for your courtesy. If I may return to the other hearing—

The CHAIRMAN. I think it is important that you are there to take care of brucellosis. [Laughter.]

Senator SIMPSON. I'll try. It's a killer. [Laughter.]

Mr. HOPE. I would like to take a moment to thank Senator Simpson for appearing on my behalf. He represents three key traits which are so valuable to me before a group like this. He's—for a junior Senator—very wise and known by all for his wisdom. Second, he has a great wit. Third, from my standpoint, he is 6 foot 7 inches and used to play defensive tackle. [Laughter.]

So, for all of those, I am very grateful for Senator Simpson's appearance.

The CHAIRMAN. Mr. Hope, much of your work will involve the law of the land and the laws of the various States. I would assume that you would have a close working relationship with the several attorneys general of the United States from the various States. Do you have any procedure that you have worked out for this process?

Mr. HOPE. The State's attorneys general have fairly regular conventions and get togethers. When I first learned about the Gaming Commission, I had a long conversation with former Assistant Secretary Swimmer. This was last October, I think. He was on his way out to Cheyenne, WY, to one of those conventions to address them. I expect that as soon as I have a general counsel, the general counsel and I will probably go to the next scheduled convention, set up a room and a sign board out in front, and announce well in advance that anyone who wants to come see us about their State's problems—just take one-half hour and we'll go at it. I would just like to collect data directly from them.

I know that a lot of work has been done in the Department of the Interior in the individual cases which have come up where they have researched the State law.

But part of the difficulty of this Commission is going to be the jurisdictional issues because our regulations, in some cases, will probably make jurisdiction a question of fact. So it will bounce back and forth in the courts a few times before we can get it ironed out.

But we will do our best to avoid those glitches. In my reading of the history of Indian law, jurisdiction is a great stumbling block.

The CHAIRMAN. I would like to now recognize the Senator from Nevada, a State that will have, I hope, a close working relationship with the Commission.

Senator Reid.

STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Senator REID. Thank you very much, Mr. Chairman.

I had a very pleasant afternoon yesterday with Mr. Hope. We talked about a lot of different issues. I was impressed with his initial knowledge of the problems that can occur with gaming. I was impressed with him being candid and indicating that there were certain areas which he needed to work on. I think that there is great potential in this young man to be an outstanding contributor to something that has become very important to our country.

Mr. Chairman, I was impressed with the statement of the National Indian Gaming Association. They have part of one paragraph that says,

> We've been very concerned with a lack of progress in getting the Commission operative.

As far as I am concerned that's an understatement.

They continue to say,

> The naming of the chairman is only one critical step. In our view, under the statute, the Commission cannot be operational without the full three members. Therefore, we would like to urge this committee to do what it can to assure the immediate appointment of the other two members of the Commission. It is our understanding that the individuals have already been selected, cleared by the various Administration processes, and could be named immediately. We would, therefore, like to request the committee to urge the Secretary of Interior to immediately publish his

intentions to nominate his selections and to have the Indian Commissioners available for appointment the same day as Mr. Hope is confirmed.

I would just stress that probably you, Mr. Hope, have more input than we do with getting those appointed. I think it's critical that this Commission become operative. I would hope that the other two commissioners would work on a full time basis because the work is monumental to get this program up and running, the regulations that you have to have drafted, and the ongoing vigilance that must take place now with the gaming operations that are already in existence.

What are you going to do to try to get your partners appointed? You have more input than we because you work within the Administration.

Mr. HOPE. Senator, first of all, the commissioners will be full time for at least the first 2 years. I would recommend that even if the statute didn't say it.

My understanding is that the names are in the process of clearance at this time. As soon as the clearance is finished, the formal announcement and the 30 day notification period will be started. As I said in my opening statement, I expect them to be on board in a matter of months. In the meantime—

Senator REID. Too bad it's not weeks.

Mr. HOPE [continuing]. It is, but I have no control over that.

Senator REID. I understand.

Mr. HOPE. But I think it would help if I were already in place so that we would have offices to put them in, secretaries, and staff on board when they do arrive. At this moment, we have 800 square feet of borrowed space, which I haven't seen, somewhere in the Department of the Interior. It must be some of their not best space because I can't find anyone who will show it to me until after my hearing. [Laughter.]

Senator REID. Mr. Hope I think it was wise that the chairman pointed out to you the interest in this subject by the attorneys general of the various States, and how important it will be for you to work with them.

As I told you yesterday in my office, I have had experience with gaming regulation, having been Chairman of the Nevada Gaming Commission for a little over 4 years. We must always keep in mind—you must always keep in mind—that you have an obligation to make sure that the game is fair to the consumer — the person that comes to these establishments—and also, sometimes we forget that you also have an obligation to make sure that the owners—in this instance that's the Indian tribes—are protected from the consumer, overzealous Government regulators, and certainly any individuals or companies that they have management contracts with.

So you really have a difficult job. It's even more complex than what faces a State like Nevada because you have another tier of responsibility in that many of the Indian tribes have management contracts and you have the laws of the State to be concerned about. So I would hope, as I am confident that you will, that you will understand the importance of this assignment that you'll receive.

You'll be confirmed, of course, with ease. I would hope that—recognizing that you will be—that you'll understand the importance of your responsibility.

Mr. HOPE. Thank you, Senator.

It was to the State regulators that I was referring when I said in my statement that many years ago I began to understand that any regulatory activity requires that the regulators elicit cooperation and trust among competing regulators, those regulated, and those in whose favor the regulations are promulgated. We have to get all three groups. Specifically, the State's attorneys general were what I meant by competing regulators, not competing against us, but competing for regulatory authority. That cooperation is crucial.

Senator REID. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

I have just one other question.

Do you see any role for your Commission in the St. Regis Mohawk problem?

Mr. HOPE. Senator, jurisdictionally, if the Commission were in place, we would have jurisdiction currently over two of the six games that are in violation of the law up there. Four of them are in violation of the New York State law, as well as some Federal laws in class III. There are two class II operations which are being run in violation of the Commission and the Regulatory Act. But once a situation devolves into armed conflict, we would long since have turned over our brief to either the Washington, DC or the upstate New York attorney general or to the State of New York, or both, to work out a resolution.

I do not think that we will be involved in the physical portion of the police work at any time in the future.

Senator REID. Would the Chairman yield?

The CHAIRMAN. Yes.

Senator REID. You know, one of the things that we contemplated in the act is that the Indian tribes would be protected and other governmental entities would be protected. One of the things that you have to guard against as much as anything is this—who's on first? Who has responsibility? With your brief explanation I can see that this is something that you're going to have to address yourself to because one of the things that I think the Indian nations want is some certainty. Government wants that also. I would hope that you would keep that in mind.

As these conflicts arise, I personally don't want to see, "It's not our responsibility, it's theirs." Then they say, "No, it's theirs." Nothing happens in that case.

Mr. HOPE. The second part of my answer is that if the Commission had been operating 5 years ago when the issues at St. Regis began to pile up on top of each other and the difficulties of tribal management—on the three different levels that they exist up there—began to devolve, the Commission would have had the ability to play a role as negotiator, mediator, or in some way facilitator to try to bring those two class II games into conformance with the laws through transfer of ownership shares from these individual owners to the tribes. We would have been able to have a positive impact on a situation which later boiled over.

I am not saying that I am sure we could have stopped this, but I am saying that I think we could have caused it to be less than the certainty of the conflict that began to appear some time ago to the observers.

The CHAIRMAN. I would like to announce that the committee has received all the necessary and required documents, the FBI clearance and such. The staff has studied the documentation received. We find everything in order. I shall so report that to the committee.

I have also been advised that the two other commissioners have been tentatively named, but they are right now in the process of being cleared by the FBI, and I have no idea how long that process will take. I would assume that we should get some advice within a month from now. So I would anticipate that we should be considering the nomination sometime in late July.

Without the other two commissioners, your hands are tied as to certain responsibilities. But in the interim you have certain rights and responsibilities. I want to assure you, Mr. Hope, that we will do our best to assist you in expediting this process.

Mr. HOPE. Thank you very much, Mr. Chairman.

The CHAIRMAN. I thank you very much for your presence here.

Mr. HOPE. Thank you, sir.

The CHAIRMAN. Our next witness is Mr. Jerry Polansky, chairman of the American Institute of Certified Public Accountants.

STATEMENT OF GERALD POLANSKY, VICE-CHAIRMAN-ELECT, AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS, WASHINGTON, DC

Mr. POLANSKY. Mr. Chairman, Senator Reid, good afternoon.

My name is Gerald A. Polansky. I am a Certified Public Accountant and a Senior Partner of the international accounting firm of Deloitte & Touche. In addition, I am vice-chairman-elect of the American Institute of Certified Public Accountants. The AICPA is the national professional organization of CPA's with more than 296,000 members in public practice, industry, Government, and education.

I am here today to speak on behalf of my friend and former partner, Tony Hope. Mr. Hope and I have had a relationship going back over 13 years.

Based on a number of recommendations, in 1977 I began discussions with Mr. Hope concerning joining our firm. Two years earlier, I assembled a group of senior people from within our firm, known then as Touche Ross and Co., a predecessor firm to the recently merged firm of Deloitte & Touche, to carry out an interactive process with the Federal Government, our firm, and its many clients. The activities undertaken within that group, called the Touche Ross Washington Service Center, were typical of those asked of major firms by clients and others because of the knowledge and expertise we possessed in Washington, DC in areas such as taxation, Federal Government contracting, et cetera.

Effective January 1, 1978, Tony joined our firm in the Washington Service Center. Based on his excellent performance over the next 2 years, he was promoted to the partnership in the firm on September 1, 1980.

At about the same time that Tony joined the partnership, I appointed him as director of the Washington Service Center, having full responsibility for day to day management of all of the activi-

ties taking place within the group. Not only did Tony manage other partners and staff, he developed operating budgets and plans, recruited experienced staff to fill open positions, prepared reports to senior management of the firm on progress of the Washington Service Center, activities undertaken, and results accomplished and at the same served clients undertaking various specific assignments.

Tony was also a sought after public speaker being asked to make presentations to our clients and partners in various cities around the country explaining current events in Washington, DC and helping people better understand how the legislative and regulatory processes worked within the Federal Government. There was nobody better in our firm to do that than Tony.

I can report that Tony Hope performed all of his tasks in a superb manner. I found him to be a very able, bright, and articulate member of my team and one that could always be relied on for frank and practical advice. I have had in the past, and would have now, no hesitancy in recommending Tony for a responsible position both within the Federal Government and in the private sector.

Since Tony's departure from our firm during 1985, he and I have maintained a close relationship during which time I have continued to seek his advice on specific matters. Furthermore, I have been a guest in his home at various times and observed that his business associates, friends, and acquaintances all regard him as highly as I do. He brings the same dedication, sense of humor, and competence to everything that he does.

I am therefore privileged to recommend the President's nomination. I know that he will perform admirably.

Thank you.

[Prepared statement of Mr. Polansky appears in appendix.]

The CHAIRMAN. I thank you very much, Mr. Polansky.

This is rather unusual because ordinarily at hearings of this nature, there should be someone to speak up against the nominee. But I gather that in this one, it is a lovefest.

Mr. POLANSKY. I certainly have nothing contrary to say.

The CHAIRMAN. I thank you very much.

Our next witness is Leonard Prescott, chairman of the Shakopee Sioux Tribe of Prior Lake, MN and vice chairman of the National Indian Gaming Association.

Is Mr. Prescott here?

Welcome, sir.

STATEMENT OF LEONARD PRESCOTT, CHAIRMAN, SHAKOPEE SIOUX TRIBE, PRIOR LAKE, MN; VICE CHAIRMAN, NATIONAL INDIAN GAMING ASSOCIATION, WASHINGTON, DC, ACCOMPANIED BY JEROME LEVINE, SAN MANUEL BAND OF MISSION INDIANS; AND ROBERT STEPHENS, CHICKASAW NATION

Mr. PRESCOTT. Thank you.

Mr. Chairman, many of the things that are contained within the statement that I will read from the National Indian Gaming Association were probably answered this morning by yourself and Mr. Hope, but I would like to read the statement in its entirety, if I may.

Mr. Chairman, my name is Leonard Prescott. I am the vice chairman of the National Indian Gaming Association and tribal chairman of the Shakopee Mdewakanton Sioux Tribe. Accompanying me are Jerome Levine, San Manuel Band of Mission Indians, and Robert Stephens, Chickasaw Nation.

On behalf of the National Indian Gaming Association, NIGA, I want to thank you for extending to us the opportunity to appear before you today regarding the nomination of Mr. Anthony J. Hope to be Chairman of the National Indian Gaming Commission.

NIGA is a national organization representing tribal government, gaming tribes, and businesses engaged in gaming enterprises in Indian country. As you are aware, NIGA was one of the principle organizations that was actively involved in the extensive negotiations, drafting, and redrafting of Public Law 100-497. As you are also aware, many tribes opposed this legislation and many of those same tribes still feel today that this law is an infringement on their tribal sovereignty. Nevertheless, they accept the statutory basis for the regulation of their gaming operations.

Before commenting directly on Mr. Hope's nomination and his qualifications to serve as the chairman, we would like to focus on some overriding issues related to Indian gaming.

As this committee is well aware, it has been 18 months since Public Law 100-497 was enacted. While we applaud the committee's efforts to get the Commission up and running and to secure appropriations for its operation, we have been very concerned with the lack of progress in getting the Commission operative. The naming of the chairman is only one critical step. In our view, under the statute the Commission cannot begin operations without the full three members. Therefore, we would like to urge this committee to do what it can to assure the immediate appointment of the other two members of this Commission. It is our understanding that the individuals have already been selected, cleared by the various Administration processes, and could be named immediately. We would, therefore, like to request the committee to urge the Secretary of the Interior to immediately publish his intentions to nominate his selections and to have the Indian Commissioners available for appointment the same day as Mr. Hope is confirmed.

During the past 18 months, while we patiently waited for the establishment of the Commission, a number of critical gaming issues have surfaced that had to be and are currently being litigated. These issues could have been resolved by the Commission had it been there, and could have avoided the high costs of litigation. This policy vacuum that has existed has caused a great deal of concern among gaming tribes and those just entering into gaming. The resultant effect has been that NIGA, through a series of conferences and workshops throughout the country, has made a special effort to bring a better understanding and working knowledge of the Indian Gaming Regulatory Act. Additionally, NIGA has set up 10 task forces that are currently working to develop a tribally generated package of proposed regulations that we will make available for the Gaming Commission's consideration.

Tribal sovereignty, self-determination, and consultation are fundamental principles which form the basis for this modern era of Federal-tribal government relationships and we urge this Commis-

sion to continue strengthening the development and implementation of these principles.

Given the limited budget that has been appropriated for the Commission for this fiscal year, we would like to urge you to strongly consider requesting the full appropriation for the coming fiscal year.

We have had the opportunity to meet with Mr. Hope. We have reviewed his qualifications and have expressed our concerns to him. We believe that we have his commitment to promote, protect, and enhance Indian gaming interests. We believe we have his commitment to utilize his extensive managerial and financial background to help assure that tribes are the primary beneficiaries of their gaming enterprises. We believe that we have his commitment to work extensively with, and consult with, tribal governments in developing the policies and regulations of the Commission. We are confident that he will be conscientious in the performance of his duties and that he will fulfill his responsibilities to Indian country as Chairman of the Commission.

We look forward to working with him on the regulations and on the many issues that will be faced by the Commission. It is on the basis of these understandings that our membership voted to support and endorse the nomination of Anthony J. Hope to chair the National Indian Gaming Commission.

Last, we would be remiss if we did not express the concerns that have been raised among tribes around the country regarding Mr. Hope's nomination. We are aware that a number of tribal governments and Indian organizations, including some of our own members, have expressed concerns regarding Mr. Hope's lack of experience relating to Indian affairs and gaming. However, we believe that his extensive management and financial background will be beneficial to the work of the Commission.

At this time I would like to thank you, Mr. Chairman, and members of the committee, for the opportunity to testify. We will be pleased to answer any questions that you might have.

[Prepared statement of Mr. Prescott appears in appendix.]

The CHAIRMAN. Mr. Prescott, I thank you very much for your statement. I am certain that it will be very helpful to Mr. Hope as he assumes his new responsibilities.

I am very cognizant of your concern that Mr. Hope is not an Indian and his experience with Indian affairs is limited, but I hope that all of us, one and all, will give Mr. Hope an opportunity to prove himself. I recall that when I became chairman of this committee, there were many in Indian country who questioned the propriety of having me appointed as chairman of this committee because I had very little, if any, experience in Indian affairs and there are no reservations in the State of Hawaii. But I believe that I have come through those 3 years in a manner which meets with the approval and satisfaction of leaders in Indian country. I am certain that, given the time, Mr. Hope will someday be received very amicably and honorably by the National Congress of American Indians, by your organization, and by others as well.

I think the least we can do now is to give Mr. Hope an opportunity to demonstrate. I think he will cut the mustard.

I thank you very much for your statement. It will be very helpful to this Committee and to Mr. Hope.

Mr. LEVINE. Mr. Chairman, I wondered if I might just add a few words.

The CHAIRMAN. Please do.

Mr. LEVINE. My name is Jerome Levine and I represent the San Manuel Band of Mission Indians. I am appearing on behalf of its chairman, Henry Duro, who regrets that he was unable to attend today.

Just to amplify on what Chairman Prescott said, the act has been a very important source of revenue to tribes, and certainly to the San Manuel Tribe that I represent. While we have heard some negative references today, the positive effects of the act certainly far outweigh the few negative instances that have occurred. For the San Manuel Tribe, virtually all unemployment, public welfare, and school dropout problems have been eliminated in the short 3 or 4 years that the act has been in effect and the band has been involved in its program.

We encourage, as Chairman Prescott and Senator Reid pointed out, the full implementation of the act and the full staffing of the Commission as soon as possible. We would urge this committee and Chairman Hope to do everything possible to get it up and running and fully funded as soon as possible. We think that there are great potentials here for the tribe.

Thank you.

The CHAIRMAN. I can assure you that, as a member of this committee, and as chairman of this committee, I will do my best to do that, sir.

Well, gentlemen, I thank you very much.

Mr. PRESCOTT. Thank you, Mr. Chairman.

The CHAIRMAN. I would like to advise Mr. Hope that the matter of the nomination will be taken up by this committee at a special session on May 14. At that time, barring unforeseen circumstances, the committee intends to report his nomination to the full Senate favorably and recommend that his nomination be accepted.

If there are no further statements to be made, the hearing is adjourned.

[Whereupon, at 3:04 p.m., the committee was adjourned to reconvene at the call of the Chair.]

APPENDIX

Additional Material Submitted for the Record

Statement of Anthony J. Hope
Chairman Designate
National Indian Gaming Commission
before the
Select Committee on Indian Affairs
of The
United States Senate

May 10, 1990

I am honored to appear before you today as President Bush's nominee to be the first Chairman of The National Indian Gaming Commission. I consider it a privilege and a challenge to have the opportunity to return to full-time government service. President Bush, in his Inaugural Address, said that we must impart to future generations a sense of what it means to be "a citizen who leaves his home, his neighborhood, and town better than he found it." One of the best ways to teach this is by example. Government service affords the opportunity to set a good example, to deal with challenging questions, and - with a little luck - to leave the community a little better than you found it.

Although I am not an Indian, my personal and professional background make me empathetic to the condition of the Indians and capable of managing a small regulatory agency.

By personal background, I am a Westerner. I grew up in Southern California, riding on horseback in mountains and valleys many of which have long since been paved over with homesites. When I was a youth, I

regularly packed food and supplies to 10,000 foot high lakes in the High Sierras for a week of fishing. We would drive all night from Los Angeles to Bishop, California, then up a one-lane road to Parcher's Camp, and then on foot to the higher lakes where we would find patches of snow on the ground as late as the middle of June. I have fished the Gunnison River in Colorado, ventured on horseback into the wilds of Wyoming and Canada, rafted with my family down the Middle Fork of the Salmon River in Idaho, and visited at the casinos owned by the Cabazon and Maronga tribes. I have explored the waterways of Florida, sailed the coast of Maine, fished in Massachusetts, hunted with Indians in Texas and can count Cherokee amoung my friends. The geography and the space of our great country are deeply imbedded in my soul.

By professional background, I am a lawyer, a gradute of Georgetown University and The Harvard Law School and I have spent the last twenty-five years managing organizations or departments of organizations dealing with financial control and regulation. My government experience in these areas include two years of full-time service managing the Finance division of The Overseas Private Investment Corporation, a position to which I was appointed by President Ford. I also served as a member

of the Board of Directors of AMTRAK Commuter Services Corporation, appointed by then Transportation Secretary Drew Lewis. As a partner of Touche Ross & Co., I served as the representative of our managing partner to the President's Management Improvement Council, and wrote that portion of The Grace Commission Report dealing with the privatization of National and Dulles Airports. This became one of the few recommendations of the Grace Commission to have been carried out when Transportation Secretary Dole supervised their transfer to a regional operating authority.

My entire family has always had a heavy agenda in public and civic service. My first official position dates back to the 1960s when I was appointed by Governor Reagan to the California State Motion Picture Council. I am currently Chairman of the Board of Mount Vernon College here in Washington, and I serve on the Boards of The National Theatre, The National USO and The National Council on Families and Television.

My private sector experience, especially my seven years as a partner at Touche Ross & Co. and my three years with Mutual of Omaha, has always been closely linked to regulatory agencies, their statutes and regulations, their conflicting jurisdictions, their scope, their breadth, their sweep. Many years ago, I

began to understand that the success of any regulatory activity requires that the regulators elicit cooperation and trust among competing regulators, those regulated, and those in whose favor the regulations are being promulgated.

This will certainly be true in the context of the National Indian Gaming Commission. There are and will be many participants in any discussion of Indian gaming, and few overriding principles. It is the stated agenda of President Bush and Secretary Lujan to increase Native American's self-government and self-determination, and I wholeheartedly support this. I have read the report of your Special Committee on Investigations and I recognize the congressional concerns about the inefficiency and inefficacy of paternalistic federal control. From the Indian Gaming Regulatory Act and the Report thereon, I have observed the Congress' careful efforts to protect the sovereignty of the tribes, while at the same time recognizing the need "to balance competing policy interests and to adjust where appropriate the jurisdictional framework for regulation of gaming on Indian lands."

The Indian Gaming arena is much broader than just regulators and tribes. A preliminary list of interested participants includes the Commission, the tribes,

individual Indian Game owners, the state governments, the municipalities, suppliers and contractors, competing private sector games, church-run games, state-run games, gaming associations and their members, other regulatory agencies and enforcement officials at all levels, the Department of the Interior, The Department of Justice and even the gamblers themselves. Each of these is waiting to tell the Commission, as soon as it is up and running, their concerns, their suggestions, and their needs. Everyone in government with whom I have met seems to be eager to have the Commission begin to address the issues presented by Indian gaming in the United States -- and as quickly as possible. One needs only to read the headlines in recent weeks to know that Indian gaming has many problems and many needs. Everyone knows that these are not issues which can be solved by ignoring them or sweeping them away. The Commission will provide a forum for the competing interets to air their views and seek redress for their grievances. It will be the rare case when the Commission by its action eliminates competition.

I do not have a magic wand to make the conflicts disappear. I do have a course of action. If I am confirmed, I expect to have Commissioners appointed to serve with me, a general counsel and chief of staff hired and tasks assigned and prioritized in a matter of months.

I will meet with the tribal chiefs and chairmen. I will tell them that it is the job of the Commission to foster self-determination where games ar found to be well run and it is the job of The Commission to bring into line or close those games which are being illegally run.

The three central guides that I will have are clarity, efficiency and fairness. We must be clear in our statements if we are to gain the cooperation of our constituents. We must be efficient if we are to carry out our responsibility to the games from which we will assess fees. We must be fair because essential fairness is the cornerstone of the Bush Administration, the cornerstone of effective regulation, and the cornerstone of any enterprise whose success is dependent on co-operative effort.

STATEMENT BY GERALD A. POLANSKY, C.P.A.,
SENIOR PARTNER, DELOITTE & TOUCHE, AND
VICE CHAIRMAN ELECT OF THE AICPA,
ON BEHALF OF
ANTHONY J. HOPE
CHAIRMAN DESIGNATE
OF THE NATIONAL INDIAN GAMING COMMISSION
BEFORE THE SELECT INDIAN AFFAIRS COMMITTEE
OF THE UNITED STATES
MAY 10, 1990

My name is Gerald A. Polansky. I am a Certified Public Accountant and a Senior Partner of the international accounting firm of Deloitte & Touche. In addition, I am Vice Chairman elect of the American Institute of Certified Public Accountants. The AICPA is the national professional organization of CPA's with more than 296,000 members in public practice, industry, government and education.

I am here today to speak on behalf of my friend and former partner, Tony Hope. Mr. Hope and I have had a relationship going back over 13 years.

Based on a number of recommendations, in 1977 I began discussions with Mr. Hope concerning joining our firm. Two years earlier, I assembled a group of senior people from within our firm, known then as Touche Ross and Co., a predecessor firm to the recently merged firm of Deloitte & Touche, to carry out an interactive process with the federal government and our firm and it's many clients. The

activities undertaken within that group called the Touche Ross Washington Service Center were typical of those asked of major firms by clients and others because of the knowledge and expertise we possessed in Washington in areas such as taxation, federal government contracting, etc.

Effective January 1, 1978, Tony joined our firm in the Washington Service Center. Based on his performance over the next two years, Tony was promoted to partnership in the firm on September 1, 1980.

At about the same time that Tony joined our partnership, I appointed him as Director of the Washington Service Center, having full responsibility for day to day management of all of the activities taking place within the group. Not only did Tony manage other partners and staff, he developed operating budgets and plans, recruited experienced staff to fill open positions, prepared reports to senior management of the firm on progress of the Washington Service Center, activities undertaken and results accomplished and at the same time served clients undertaking various specific assignments. Tony was also a sought after public speaker being asked to make presentations to our clients and partners in various cities around the country explaining current events in Washington and helping people better understand how the legislative and regulatory processes worked within the federal government.

I can report that Tony Hope performed all of his tasks in a superb manner. I found him to be a very able, bright and articulate member of my team and one that could always be relied on for frank and practical advice. I have had in the past and would have now, no hesitancy in recommending Tony for a responsible position both within the federal government and in the private sector.

Since Tony's departure from our firm during 1985, he and I have maintained a close relationship during which time I have continued to seek his advice on specific matters. Furthermore, I have been a guest in his home at various times and observed that his business associates, friends, and acquaintances all regard him as highly as I do. He brings the same dedication, sense of humor and competence to everything that he does.

I am therefore privileged to recommend Tony's nomination to you. I know that he will perform admirably.

PREPARED STATEMENT OF LEONARD PRESCOTT

MR. CHAIRMAN, MEMBERS OF THE COMMITTEEE, MY NAME IS LEONARD PRESCOTT, I AM THE VICE-CHAIRMAN OF THE NATIONAL INDIAN GAMING ASSOCIATION AND TRIBAL CHAIRMAN OF THE SHAKOPEE MDEWAKANTON SIOUX TRIBE. ACCOMPANYING ME ARE JEROME LEVINE, SAN MANUEL BAND OF MISSION INDIANS, ROBERT STEPHENS, CHICKASAW NATION AND GREGORY HO-DA-GWA-HA BIGLER, MUSCOGEE CREEK NATION.

ON BEHALF OF THE NATIONAL INDIAN GAMING ASSOCIATION (NIGA) I WANT TO THANK YOU FOR EXTENDING TO US THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY REGARDING THE NOMINATION OF MR. ANTHONY J. HOPE TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION.

NIGA IS A NATIONAL ORGANIZATION REPRESENTING TRIBAL GOVERNMENTS, GAMING TRIBES AND BUSINESSES ENGAGED IN GAMING ENTERPRISES IN INDIAN COUNTRY. AS YOU ARE AWARE, NIGA WAS ONE OF THE PRINCIPAL ORGANIZATIONS THAT WAS ACTIVLEY INVOLVED IN THE EXTENSIVE NEGOTIATIONS, DRAFTING AND REDRAFTING OF P.L. 100-497. AS YOU ARE ALSO AWARE, MANY TRIBES OPPOSED THIS LEGISLATION AND MANY OF THOSE SAME TRIBES STILL FEEL TODAY THAT THIS LAW IS AN INFRINGEMENT ON THIER TRIBAL SOVEREIGNTY. NEVERTHELESS, THEY ACCEPT THE STATUTORY BASIS FOR THE REGULATION OF THEIR GAMING OPERATIONS.

BEFORE COMMENTING DIRECTLY ON MR. HOPES NOMINATION AND HIS QUALIFICATIONS TO SERVE AS THE CHAIRMAN, WE WOULD LIKE TO FOCUS ON SOME OVERRIDING ISSUES RELATED TO INDIAN GAMING.

AS THIS COMMITTEE IS WELL AWARE, IT HAS BEEN EIGHTEEN MONTHS SINCE P.L. 100-497 WAS ENACTED. WHILE WE APPLAUD THE COMMITTEE'S EFFORTS TO GET THE COMMISSION UP AND RUNNING AND TO SECURE APPROPRIATIONS FOR ITS OPERATION, WE HAVE BEEN VERY CONCERNED WITH THE LACK OF PROGRESS IN GETTING THE COMMISSION OPERTIVE. THE NAMING OF THE CHAIRMAN IS ONLY ONE CRITICAL STEP; IN OUR VIEW UNDER THE STATUTE THE COMMISSION CANNOT BE OPERATIONAL WITHOUT THE FULL THREE MEMBERS. THEREFORE, WE WOULD LIKE TO URGE THIS

COMMITTEE TO DO WHAT IT CAN TO ASSURE THE IMMEDIATE APPOINTMENT OF THE OTHER TWO MEMBERS OF THIS COMMISSION. IT IS OUR UNDERSTANDING THAT THE INDIVIDUALS HAVE ALREADY BEEN SELECTED, CLEARED BY THE VARIOUS ADMINISTRATION PROCEESES, AND COULD BE NAMED IMMEDIATELY. WE WOULD, THEREFORE, LIKE TO REQUEST THE COMMITTEE TO URGE THE SECRETARY OF INTERIOR TO IMMEDIATELTY PUBLISH HIS INTENTIONS TO NOMINATE HIS SELECTIONS AND TO HAVE THE INDIAN COMMISSIONERS AVAILABLE FOR APPOINTMENT THE SAME DAY AS MR. HOPE IS CONFIRMED.

DURING THE PAST EIGHTEEN MONTHS WHILE WE PATIENTLY WAITED FOR THE ESTABLISHMENT OF THE COMMISSION, A NUMBER OF CRITICAL GAMING ISSUES HAVE SURFACED THAT HAD TO BE AND ARE CURRENTLY BEING LITIGATED. THESE ISSUES COULD HAVE BEEN RESOLVED BY THE COMMISSION HAD IT BEEN THERE, AND COULD HAVE AVOIDED THE HIGH COSTS OF LITIGATION. THIS POLICY VACUUM THAT HAS EXISTED HAS CAUSED A GREAT DEAL OF CONCERN AMONG GAMING TRIBES AND THOSE JUST ENTERING INTO GAMING. THE RESULTANT EFFECT HAS BEEN THAT NIGA THROUGH A SERIES OF CONFERENCES AND WORKSHOPS THROUGHOUT THE COUNTRY HAS MADE A SPECIAL EFFORT TO BRING A BETTER UNDERSTANDING AND WORKING KNOWLEDGE OF THE INDIAN GAMING REGULATORY ACT. ADDITIONALLY, NIGA HAS SET UP TEN TASK FORCES THAT ARE CURRENTLY WORKING TO DEVELOP A TRIBALLY GENERATED PACKAGE OF PROPOSED REGULATIONS THAT WE WILL MAKE AVAILABLE FOR THE GAMING COMMISSION'S CONSIDERATION.

TRIBAL SOVEREIGNTY, SELF-DETERMINATION AND CONSULTATION ARE FUNDAMENTAL PRINCIPALS WHICH FORM THE THE BASIS FOR THIS MODERN ERA OF FEDERAL-TRIBAL GOVERNMENTAL RELATIONSHIPS AND WE URGE THIS COMMISSION TO CONTINUE STRENGTHENING THE DEVELOPMENT AND IMPLEMENTATION OF THESE PRINCIPALS.

GIVEN THE LIMITED BUDGET THAT HAS BEEN APPROPRIATED FOR THE COMMISSION FOR THIS FISCAL YEAR, WE WOULD LIKE TO URGE YOU TO STRONGLY CONSIDER REQUESTING THE FULL APPROPRIATION FOR THE COMING FISCAL YEAR.

We have had the opportunity to meet with Mr. Hope. We have reviewed his qualifications and have expressed our concerns to him. We believe that we have his committment to promote, protect and enhance Indian gaming interests. We believe we have his commitment to utilize his extensive managerial and financial background to help assure that Tribes are the primary beneficiaries of their gaming enterprises. We believe that we have his commitment to work extensively with and consult with Tribal governments in developing the policies and regulations of the Commission. We are confident that he will do a good job and that he will fulfill his responsibilities to Indian Country as Chairman of the Commission. We look forward to working with him on the regulations and on the many issues that will be faced by the Commission. It is on the basis of these understandings that our membership voted to support and endorse the nomination of Anthony J. Hope to chair the National Indian Gaming Commission.

Lastly, we would be remiss if we did not express the concerns that have been raised among Tribes around the country regarding Mr. Hope's nomination. We are aware that a number of Tribal governments and Indian organizations, including some of our own members, have expressed concerns regarding Mr. Hope's lack of experience relating to Indians affairs and gaming. However, we believe that his extensive management and financial background will be beneficial to the work of the Commission.

At this time I would like to thank you, Mr. Chairman and Members of the Committee, for the opportunity to testify, we will be pleased to answer any questions that the Committee may have.

PREPARED STATEMENT OF HON. PETE WILSON, U.S. SENATOR FROM CALIFORNIA

Mr. Chairman, I want to thank you and the Ranking Minority Member of the Committee, Senator McCain, for holding this confirmation hearing so promptly, and I appreciate your allowing me to insert this testimony into the hearing record in my absence.

I want to take this opportunity to commend President Bush for his selection of my good friend Tony Hope as Chairman of the new National Indian Gaming Commission. Mr. Hope has a distinguished record of service in both the public and private sectors, and I look forward to his speedy confirmation by the Senate and to his future achievements in this new post.

As chief administrator for an agency with authority over an industry with an annual income of approximately $1 billion, Mr. Hope will be responsible for ensuring the integrity of Indian gaming. This is not an easy task given the wide variety of games spread throughout the United States, not to mention those which are contested in foreign countries by Tribes with ties to our Native American communities.

Clearly, the responsibility of keeping organized crime off of Indian reservations and out of the gaming industry is not an easy one. Some of Tony's critics cite his lack of direct law enforcement or related experience as hindering his potential effectiveness at the job. Having known Tony for many years, however, I can say to the Committee that I have the utmost confidence that Mr. Hope will use his expertise to provide the federal government with sound and insightful managerial skills as he deals with our nation's Native American communities.

Tony's extensive practical political experience will also be of great value to him in his new post. As Vice President for Finance of the Overseas Private Investment Corporation in the Ford Administration, Tony managed numerous American investments in more than thirty countries. Following this tour of duty, he directed the Washington Service Center for Touche Ross & Company, handling staff, budgeting, and legislative duties.

As Senior Vice-President of Mutual of Omaha and United of Omaha Insurance Companies during the past three years, Mr. Hope has combined his public and private managerial experience to lead one of our country's leading financial industries concerns. Tony's vision and dedication have been evident during those periods when we in the Congress have dealt with regulations and legislation in the tax and investment sectors.

In addition, Tony's ability to gain consensus among varying (and vying) industrial concerns has been evident throughout his career. Clearly, he will be challenged in his new position by competition between rival advocates, and his experience as a successful manager will be put to the test. Tony's ability to gain consensus from such groups will serve the country well.

Mr. Chairman, the best way I can praise Mr. Hope's past record and achievements is by offering you my highest recommendation for him as Chairman of the new Indian Gaming Commission. His varied background, experience, and interests will make him a very effective leader of this new government agency, and I look forward to his speedy confirmation.

PETE WILSON
CALIFORNIA

COMMITTEES
ARMED SERVICES
AGRICULTURE, NUTRITION, AND FORESTRY
GOVERNMENTAL AFFAIRS
SPECIAL COMMITTEE ON AGING
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, DC 20510-0502

May 9, 1990

The Honorable Daniel K. Inouye
Chairman
Select Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

The Honorable John McCain
Ranking Minority Member
Select Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Dear Dan and John:

Unfortunately, my schedule does not permit me to introduce my good friend, Tony Hope, to the Select Committee on Indian Affairs as you begin your hearings on his confirmation as Chairman of the new National Indian Gaming Commission.

As a result, please consider this letter as a formal request to have the attached statement made part of the Committee's permanent record on this nomination.

As I mention in my statement, I want to thank you for holding this confirmation hearing so promptly, and I look forward to working with you on the issues facing the federal government and Native Americans.

Sincerely,

Pete

PETE WILSON

Enclosure
PW:lg

National Congress of American Indians

Est. 1944

EXECUTIVE COMMITTEE

President
Wayne Duchenaux
Cheyenne River Sioux Tribe

First Vice President
Buck Kitcheyan
San Carlos

Recording Secretary
Loretta Metoxen
Oneida Business Comm.

Treasurer
William Ron Allen
Jamestown Klallam Tribe

AREA VICE PRESIDENTS

Aberdeen Area
Ed Lonehight
Three Affiliated Tribes

Albuquerque Area
Raymond D. Apodaca
Isleta Del Sur Pueblo

Anadarko Area
Joseph Goombi
Kiowa Tribe

Billings Area
Tom Whitford
Blackfeet Tribe

Juneau Area
Will Mayo
Athabascan Z...

Minneapolis Area
Gordon Thunder
Wisconsin Winnebago Tribe

Muskogee Tribe
Dianne Kelley
Cherokee Nation

Northeastern Area
Harold Tarbell
St. Regis Mohawk

Phoenix Area
Gilbert Jones
Mohave Apache Nation

Portland Area
Delbert Frank
Warm Springs Tribe

Sacramento Area
Rachel Joseph
Shoshone-Paiute-Mono Tribe

Southeast Area
Terry Martin
Chitimacha Tribe

INTERIM EXECUTIVE DIRECTOR
A. Gay Kingman
Cheyenne River Sioux Tribe

May 10, 1990

Senator Daniel K. Inouye
Senate Select Committee on
Indian Affairs
U.S. Senate
Washington, D.C. 20510

Dear Senator Inouye:

On behalf of the National Congress of American Indians, I would like to formally object to the appointment of Mr. Tony Hope as Chairman of the National Indian Gaming Regulatory Commission and I request that the Committee recommend that his proposed appointment be rejected.

As you know, many Indian tribes object to the Indian Gaming Regulatory Act because it fails to respect Indian sovereignty. Nevertheless, the Act currently is the law, and therefore, there is an urgent need for a Chairman of the Indian Gaming Regulatory Commission who will recognize and address Indian tribal needs and priorities in administering the Act. Mr. Hope, a non-Indian, is therefore not the appropriate candidate for this important position.

There are many qualified Indian people who could fill this position and the National Congress of American Indians respectfully requests Mr. Hope's nomination for Chairman of the Indian Gaming Regulatory Commission be rejected in favor of an Indian candidate.

Sincerely yours,

A. Gay Kingman
Interim Executive Director

cc: NCAI Executive Committee

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